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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

TODD R.G. HILL,

Plaintiff,

vs.

THE BOARD OF DIRECTORS,
OFFICERS AND AGENTS AND
INDIVIDUALS OF THE PEOPLES
COLLEGE OF LAW ET AL.,

Defendants.

Case No. CV23-1298-JLS(PDx)

**DEFENDANT SPIRO'S
OPPOSITION TO PLAINTIFF'S
"MOTION TO COMPEL
DISCOVERY" (ECF 231);
MEMORANDUM OF POINTS AND
AUTHORITIES**

Before:

**Hon. Josephine L. Staton
United States District Judge**

**Hon. Brianna Fuller Mircheff
United States Magistrate Judge**

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MEMORANDUM OF POINTS AND AUTHORITIES

A. PLAINTIFF HAS SERVED NO DISCOVERY

First, an attempt to clarify what Plaintiff’s motion is for. The motion states that Plaintiff “moves this Court for an order compelling Defendants to produce discovery.” (Motion, ECF 231, p. 3, lns. 5-6.). Yet Plaintiff admits he has served no discovery. Rather, he says his motion “seeks judicial guidance on the appropriate scope and timing of discovery” and that “The references in my motion to interrogatories and requests for admission identify the types of discovery I intend to pursue should the Court authorize discovery to proceed.” (Plaintiff’s email to Defendant Spiro, 3/7/25, Exhibit A below.)

Thus, the rest of this opposition assumes that the motion is essentially for the Court to authorize discovery to begin.

B. IF PLAINTIFF IS ALLOWED DISCOVERY, HE WILL INUNDATE DEFENDANTS WITH IT.

Plaintiff has shown time and again that he will inundate the Court and defendants with filing after filing after filing. If he is allowed early discovery, is there any doubt he will do likewise – inundate the Defendants with discovery after discovery after discovery. For example, in the space of a recent 6 weeks, from January 25 to March 10, 2025, Plaintiff filed the following 12 documents seeking judicial notice (and filed other documents as well):

1. So-called “Motion to Supplement the Record” by judicial notice (ECF 199)
2. Motion to grant previous request for judicial notice (ECF 202)
3. Motion to grant a different judicial notice (ECF 210)
4. Motion for Judicial notice of State Bar Report (ECF 222)
5. “Notice of Procedural Misrepresentations” (ECF 226)
6. Motion for Judicial notice of Bloomberg article (ECF 224)
7. Motion for Judicial notice of State Auditor’s Report (ECF 227)
8. So-called “Motion to Supplement the Record” by judicial notice (ECF 228)

1 9. Motion for Judicial notice of re Equal Protection Claims (ECF 232)

2 10. “Motion for Immediate Rulings on Requests for Judicial Notice (ECF 237)

3 11. “Notice of Errata re Motion for Immediate Rulings on Requests for Judicial
4 Notice (ECF 238)

5 12. “Amended Motion for Immediate Rulings on Requests for Judicial Notice
6 (ECF 239)

7 Of course, the Federal Rules limit discovery, and Defendants could move for
8 protective orders. But that would not stop Plaintiff. Plaintiff does not comply with
9 Court rules and orders. Below are some examples. But first note that although
10 Plaintiff is pro se, he is no novice in the law. He completed more than three years of
11 a four-J.D. program. He has even published a 405-page book titled “Hill’s
12 Annotated Holmes: The Common Law Interpreted, A Scholarly Integration of Past
13 and Present Legal Theories” on sale at Amazon for \$83. A Google search for the
14 book’s title will brings up the Amazon listing, showing that the author is indeed our
15 Plaintiff, Todd R.G. Hill.

16 • The Court revoked Plaintiff’s electronic filing privileges in this case early
17 on. The order pointed out, among other things: “Plaintiff’s voluminous, redundant
18 filings put an extraordinary and unjustified burden on Court staff and resources.
19 Plaintiff’s repeated emailing of the Deputy Clerk requesting status updates is also
20 inappropriate and inconsistent with the Court’s Standing Order in this case and the
21 Court’s Procedures.” (ECF 37, at p.7.)

22 • The Court dismissed Plaintiff’s First Amended Complaint and allowed him
23 21 days to file a Second Amended Complaint. Plaintiff failed to file a Second
24 Amended Complaint within that time, and thus the Court dismissed this case. (ECF
25 47, p.2.)

26 • Then, in violation of the order giving Plaintiff 21 days to amend, he filed a
27 Second Amended Complaint well after the 21 days. He did that without leave of
28

1 court even though the case had been dismissed. The Court ordered the pleading
2 stricken because the case was closed because of the dismissal. (ECF 51.)

3 • After the Court dismissed Plaintiff’s First Amended Complaint, describing it
4 as “excessively long and often confusing,” Plaintiff filed a Second Amended
5 Complaint. That pleading was a defiance of the order dismissing the First Amended
6 Complaint. As Judge Mircheff’s first Report and Recommendation pointed out, the
7 Second Amended Complaint was “almost fifty pages longer than the First Amended
8 Complaint.” The Report also noted that “despite the District Judge’s prior warnings,
9 the SAC continues to exhibit the landmarks of a “shotgun pleading.” (ECF 132,
10 p.12, lns. 9-14.)

11 • Plaintiff filed a motion to compel various defendants to sign and return
12 waivers of service of process, even though such waivers are voluntary, even though
13 there are no grounds to compel people to sign the waivers, and even though he cited
14 no grounds to compel them.

15
16 **C. THERE IS NO GOOD CAUSE FOR EARLY DISCOVERY.**

17 The order denying Plaintiff’s motion to propound discovery to the State Bar
18 Defendants points out that “Under Rule 26(d) of the Federal Rules of Civil
19 Procedure, no party may seek discovery from any source before the Rule 26(f)
20 conference, unless such discovery is authorized by court order. The Court may
21 authorize early discovery upon a showing of good cause.” (ECF 235, p.1, last para.)

22 There has been no Rule 26(f) conference, and there is no good cause to
23 authorize discovery before the conference. A case very similar to the present one is
24 *Sky Angel U.S., LLC v. National Cable Satellite Corp.* 296 F.R.D. 1 (D.D.C. 2013).
25 There, defendant’s motion to dismiss the complaint was granted. Then the plaintiff
26 moved for early discovery, but before an amended complaint was filed, and before
27 any Rule 26(f) conference. The Court denied the motion, observing “courts tend to
28 find good cause at this early stage only in narrow circumstances, such as where a

1 party seeks information related to the issues of identity, jurisdiction, or venue.” (296
2 F.R.D. at 2.)

3 In fact, many courts have held that motions for early discovery should be
4 denied when a motion to dismiss is pending. In *Boylan v. Morgan*, Case No.
5 3:20cv1967-WQH-AHG (S.D.Cal. 12/30/2020), plaintiff’s motion for early
6 discovery was denied in circumstances very similar to those here. The Court said:

7 “The Court notes that one motion to dismiss was filed before Plaintiff’s
8 instant motion [for early discovery] (ECF No. 5), and another motion to
9 dismiss was filed thereafter (ECF No. 12). See *In re Morning Song Bird Food*
10 *Litig.*, 2013 WL 12143947, at *3 (denying plaintiff’s request for discovery
11 before the Rule 26(f) conference, and explaining that ‘**the operative**
12 **complaint is challenged by motion practice, delaying discovery until the**
13 **claims and defenses in the case are better defined reduces expenses,**
14 **minimizes the burden of unnecessary discovery, and conserves judicial**
15 **resources’); see also *Celebrity Chefs Tour v. Macy’s*, No. 13cv2714-JLS-
16 KSC, 2014 WL 12165415, at *2 (S.D. Cal. Aug. 29, 2014) (collecting cases
17 that illustrate that ‘[t]his ruling is in keeping with numerous other courts,
18 which have denied parties’ requests to expedite discovery on the same
19 grounds when potentially dispositive motions are pending’).”**

20 (*Boylan* at p.6, *emph. added.*)

21
22 **D. PLAINTIFF SHOULD NOT BE PERMITTED DISCOVERY**
23 **UNTIL, AT THE EARLIEST, HE HAS FILED A FOURTH AMENDED**
24 **COMPLAINT AND IT HAS SURVIVED ANY MOTIONS TO DISMISS.**

25 As to the PCL Defendants, Judge Mircheff’s Interim Report and
26 Recommendation recommends dismissal of the Third Amended Complaint in its
27
28

1 entirety,¹ with some causes of action to be dismissed with prejudice, but others
2 without prejudice, i.e. with leave to amend. The basis for dismissing the Third
3 Amended Complaint without prejudice (as to certain causes of action) was on the
4 grounds that it fails to comply with the pleading requirements of F.R.C.P. 8².

5 As far as Plaintiff's motion seeks discovery against the *State Bar Defendants*,
6 Judge Mircheff denied the motion, explaining:

7 "there is a pending Interim Report and Recommendation that would dismiss
8 the State Bar Defendants from the case with prejudice and without further
9 leave to amend. The Court does not, therefore, believe that there is good
10 cause to authorize early discovery from the State Bar Defendants at this
11 juncture. The Motion is therefore denied."

12 (ECF 235, pp. 1-2, starting 4th to last line on page 1. Judge Mircheff was referring to
13 the second Interim Report and Recommendation, ECF 213, dated 2/12/25.)

14 By the same reasoning, Plaintiff's motion for discovery should be denied as to
15 *Defendant Spiro and the rest of the PCL Defendants*. The only pertinent difference
16 between the two sets of defendants is that the Interim Report (ECF 213)

17
18 ¹ The summary of the recommendations at the end recommends "(8) granting
19 the moving Defendant's Motions to Dismiss the Third Amended Complaint ... as
20 follows: (a) dismissing the Third Amended Complaint in its entirety". (ECF 213,
21 p.31, lns.15-17.)

22
23 ² The Interim Report reads: "The PCL Defendants, including Spiro, moved
24 primarily under Rule 8, only briefly touching on whether the claims should be
25 dismissed under Rule 12(b)(6). To the extent not addressed above, then, the Court
26 recommends that the state law claims be dismissed without prejudice to Plaintiff re-
27 alleging them against the PCL Defendants in an amended complaint". (ECF 213,
28 p.27, lns.16-20.)

1 recommended dismissing as to the State Bar Defendants *with prejudice*, but as to the
2 PCL Defendants *without prejudice*. But the only reason the Interim Report gave for
3 dismissing the PCL Defendants without prejudice, is that the PCL Defendants did
4 not move to dismiss on the merits, but only for violating the pleading rules of
5 F.R.C.P. 8.

6 But that violation is extremely likely to continue in Plaintiff's next amended
7 complaint. His most recent amended complaint was dismissed for violating Rule 8.
8 and violations of Rule 8 must be quite extreme in order to justify dismissal under the
9 rule. A dismissal under Rule 8 "is typically reserved for those instances in which the
10 complaint is so 'verbose, confused and redundant that its true substance, if any, is
11 well disguised. *Hearns v. San Bernardino Police Dep't*, 530 F.3d 1124, 1131 (9th
12 Cir. 2008)". [Internal quotation marks and additional citations omitted.]

13 Thus, Plaintiff should not be permitted to burden defendants with discovery
14 until, at the very earliest, he has filed a Fourth Amended Complaint and it has
15 survived any motions to dismiss.

16
17 **E. JUDGE MIRCHEFF'S ORDER DENYING JUDICIAL NOTICE**
18 **DOES NOT, AS PLAINTIFF CLAIMS, "ESTABLISH THE FACTUAL**
19 **BASIS OF PLAINTIFF'S CLAIMS".**

20 Plaintiff attempts to justify discovery against the PCL Defendants by twisting
21 the meaning of Judge Mircheff's order (ECF 229) denying Plaintiff's requests for
22 judicial notice. Plaintiff claims that in the denial order, "the Court [is] now
23 accepting key facts as judicially noticed, Defendants can no longer justify
24 withholding requested records or refusing depositions." That is entirely false.

25 Plaintiff states in his present motion: "The Court has taken judicial notice of
26 critical materials, including State Bar reports on disparities in bar passage rates and
27 accreditation oversight failures, as well as declarations from Defendants Ira Spiro
28 and Héctor Peña confirming administrative failures at Peoples College of Law

1 (PCL). These rulings [on judicial notice] establish the relevance and factual basis of
2 Plaintiff's claims, eliminating any good-faith basis for Defendants to withhold
3 discovery." (ECF 231, p.3, lns. 15-20.)

4 Plaintiff is completely mistaken -- judicial notice of those documents
5 establishes no facts at all, other than that the documents exist and possibly that they
6 were published or sent. Judicial notice certainly does not establish any facts that
7 support Plaintiff's claims.

8 Plaintiff seriously misunderstands the meaning of judicial notice. Contrary to
9 his contentions, "A court may take judicial notice of the existence of matters of
10 public record, such as a prior order or decision, but not the truth of the facts cited
11 therein." (*Marsh v. San Diego County*, 432 F. Supp. 2d 1035, 1044 (S.D. Cal.
12 2006).) Similarly, "while a court may take judicial notice of undisputed matters of
13 public record, judicial notice is taken of the fact that the records exist, not the facts
14 stated within the records." (*Johnson v. Napa Valley Wine Train, Inc.*, Case No. 15-
15 cv-04515-THE (N.D.Cal. 2/9/2016, at p.24).)

16
17 **F. CONCLUSION**

18 Plaintiff's "Motion to Compel Discovery" should be denied in full.
19

20 **STATEMENT OF COMPLIANCE WITH LOCAL RULE 11-6.1**

21 The undersigned party certifies that this brief contains 1998 words, which complies
22 with the 7000 word limit of Local rule 11-6.1

23 Dated: March 13, 2025

24 _____/s/_____
25 Ira Spiro (sued as Robert Ira Spiro)
26 Defendant in Propria Persona
27
28

DECLARATION OF DEFENDANT IRA SPIRO

1
2 1. I am a defendant in this case. I am a California attorney, admitted to the
3 State Bar of California in January 1976.

4 2. Attached hereto as Exhibit A is a copy of an email I received from
5 Plaintiff on March 7, 2025.

6
7 I declare under penalty of perjury under the laws of the State of California
8 that the foregoing is true and correct.

9 Dated: March 13, 2025 _____/s/_____

EXHIBIT A

From: Todd Hill <toddryangregoryhill@gmail.com>
Sent: Friday, March 7, 2025 6:38 PM
To: Ira Spiro <ira@spirolawcorp.com>
Subject: Re: "Motion to Compel Discovery Following Judicial Notice Ruling" - but no
discovery ever served

Mr. Spiro,

Thank you for your email.

I must reiterate:

I disagree with your assertion that my motion to compel discovery was improper or filed in bad faith. As you are aware, the Court's recent judicial notice ruling (Docket 229) recognized key facts that directly impact the scope of this case, including admissions made by you and Mr. Peña. My motion was filed in response to that ruling and seeks judicial guidance on the appropriate scope and timing of discovery.

The references in my motion to interrogatories and requests for admission identify the types of discovery I intend to pursue should the Court authorize discovery to proceed. My motion does not claim that formal discovery has already been served; rather, it anticipates that discovery will be necessary to develop the factual record that the Court has already partially acknowledged.

If you believe sanctions are appropriate, you are free to pursue that course. However, I remain confident that my motion was submitted in good faith and reflects legitimate efforts to facilitate procedural clarity and judicial efficiency.

I have no intention of withdrawing my motion. I trust the Court will evaluate these matters accordingly.

Sincerely,

Todd Hill

PROOF OF SERVICE
STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I reside in the State of California, County of Los Angeles. My business address is 10573 West Pico Blvd. #865, Los Angeles, CA 90064.

On March 13, 2025, I served the document described as **DEFENDANT SPIRO'S OPPOSITION TO PLAINTIFF'S "MOTION TO COMPEL DISCOVERY" (ECF 231)** on the interested parties in this action by placing: [] the original [xx] true copies thereof enclosed in sealed envelopes, addressed as follows to interested parties as follows (or as stated on the attached service list):

Todd R.G. Hill
119 Vine Street
Belton, TX 76513

☒ **BY MAIL:** I deposited the envelope(s), with postage prepaid, in the United States Mail (United States Postal Service) at Los Angeles, California.

☒ **BY MAIL PER BUSINESS PRACTICES:** I placed the document(s) in a sealed envelope for collection and mailing following ordinary business practices. I am readily familiar with this business' practice for collection and processing of correspondence for mailing with the U.S. Postal Service. Under that practice, the envelopes are deposited with the U.S. Postal Service that same day in the ordinary course of business with postage thereon fully prepaid at Los Angeles, California.

☐ **BY ELECTRONIC TRANSMISSION:** On the date set forth below I caused to be transmitted the document(s) listed above on the parties listed herein at their most recent known e-mail address(s) or e-mail of record in this action before 6:00 p.m. I hereby certify that this document was served from Los Angeles, California.

☐ **BY PERSONAL SERVICE:** I delivered the document, enclosed in a sealed envelope, by hand to the offices of the addressee(s) named herein.

☐ **BY OVERNIGHT DELIVERY:** I am "readily familiar" with this firm's practice of collection and processing correspondence for overnight delivery. Under that practice, overnight packages are enclosed in a sealed envelope with a packing slip attached thereto fully prepaid. The packages are picked up by the carrier at our offices or delivered by our office to a designated collection site.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed March 13, 2025 at Los Angeles, California.

Ira Spiro

Type or Print Name

Signature